

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

Court Minutes and Order

HEARING DATE: August 29, 2024
JUDGE: Brett H. Ludwig
CASE NO.: 23-cv-0375
CASE NAME: Sherman Creek Condominiums Inc. v. Mid-Century Insurance Co.
MATTER: Motion Hearing
APPEARANCES: Ryan R. Graff, Attorney for Sherman Creek
Scott Louis Schmookler, Attorney for Mid-Century
Jonathan L. Schwartz, Attorney for MGW Law LLP and Ryan R. Graff
Michael J. Wirth, Attorney for Crivello Carlson SC

TIME: 10:34 a.m. – 11:23 a.m.

COURTROOM DEPUTY: Julie D.

AUDIO OF THIS HEARING IS AT ECF NO. 86

The Court recited the lengthy procedural history of this case and its predecessor (19-cv-1735). The Court then heard argument on all three aspects of Third-Party Defendants MGW Law, LLP and Ryan R. Graff's pending motion to compel. (ECF No. 84.)

The Court first discussed the request that Crivello Carlson produce certain of Stacy Luell's billing records. Crivello Carlson raised privilege concerns about producing the requested materials. After much discussion, including input from Mid-Century, which is the holder of any privilege, counsel for Mid-Century agreed to produce redacted billing records for entries on January 4, 2023, which counsel represented were the only billing records during the applicable time frame that refer to phone communications between Ms. Luell and her client, as discussed at Ms. Luell's deposition. With all parties' agreement, the Court directed Mid-Century to produce those redacted billing records by September 5, 2024.

The Court then addressed the request for the production of Crivello Carlson's IT training program materials. After clarification from counsel, the Court ordered Crivello Carlson to provide counsel for MGW Law and Graff with the identity of any IT security courses that Luell was required to take during the period from January 1, 2022 through January 31, 2023. The list should also identify which of the required courses Ms. Luell actually took and any other optional courses available to her during the identified time frame. The Court directed counsel to work together to produce any follow up materials to the extent Crivello Carlson has access to the materials.

Finally, the Court addressed movant's request for Ms. Luell's caselist showing the cases she worked on between December 2022 and January 2023. After counsel for Crivello Carlson explained that Luell does not keep a caselist, counsel for movant accepted there was nothing to produce and the Court denied this portion of the motion as moot.

As a final matter, the Court noted that a motion to vacate judgment remains pending in this case's 2019 counterpart, Case No. 19-cv-1735. The Court intends to deny the motion without prejudice for reasons stated on the record in the October 10, 2023 hearing. (Case No. 19-cv-1735, ECF No. 138.) The Court will also deny the motions to restrict access due to the confidentiality of the settlement agreement, because the settlement agreement is being litigated in this case, and thus is public.

Accordingly,

IT IS HEREBY ORDERED that the Motion to Compel, ECF No. 84, is **GRANTED in part** and **DENIED in part**. Mid-Century is directed to provide Stacy Luell's billing records for January 4, 2023 for entries regarding her discussions with Mid-Century. Other information may be redacted. Mid-Century must so produce by September 5, 2024. Crivello Carlson is directed to provide the identity of IT training programs Stacy Luell was required to take, actually took, and others that were available to her for the time period of January 1, 2022 through January 31, 2023, and must so provide on or before September 5, 2024. The motion is denied as moot with respect to production of Stacy Luell's caselist.

Dated at Milwaukee, Wisconsin on August 30, 2024.

s/ Brett H. Ludwig
BRETT H. LUDWIG
United States District Judge